

REMARKS

In the Final Office Action, claims 1-21 were rejected. Reconsideration of the application is requested. Claims 4 and 13 have been cancelled. Claims 1, 3, 10, 12, 20, and 21 are currently amended. New claims 22-25 have been added. Accordingly, claims 1-3, 5-12, and 13-19 remain pending as originally presented.

Amendments to the Specification

The specification was amended to correct typographical errors. No new matter has been introduced.

Rejection under 35 U.S.C. 102(e)

Claims 1-6, 10-15, 20 and 21 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,717,915, Liao et al. ("Liao").

With respect to claims 4 and 13, the rejections have been rendered moot by their cancellations.

With respect to claims 1-3, 5-6, 10-12, 14-15, 20 and 21, the Examiner argued that "detecting that the shared resource is unavailable" is taught when "Liao discloses checking the network for traffic levels, if traffic levels are too high, a back off strategy is implemented, suggesting that the resource is unavailable; column 3, lines 45-40; column 4, lines 16-32; [and] column 5, lines 34-41." Examiner further argued that "determining a second back off interval is taught by the cited portions of the reference where a new retransmission time values [are] to be used the next time a response is not received. The determining a new retransmission time is determined after the resource is successfully accessed." Applicants respectfully disagree with the Examiner's analysis of Liao and the claims presented. Nonetheless, in the interest of expeditiously bringing prosecution on the merit to an end, Applicants have amended various claims as set forth *supra*. All amendments are fully

supported by the original disclosure and no new matter has been introduced.

Claim 1 is currently amended to require “determining a second back off interval for the client to delay before reattempting to access the shared resource after said successful access, without regard to availability of the shared resource.” Assuming *arguendo* that “determining a second back off interval is taught by the cited portions of [Liao] where a new retransmission time values [are] to be used the next time a response is not received,” the “new retransmission time values” are not calculated “without regard to availability of the shared resource.” Accordingly, claim 1 is patentable over Liao under 102(e).

Claims 2-3 and 5-6 depend from independent claim 1 and therefore incorporate each of claim 1’s respective limitations. For at least the reasons discussed *supra*, claims 2-3 and 5-6 are patentable over Liao under 102(e).

In a similar vein, claims 10 and 20 each are currently amended to require “determining a second back off interval for the client to delay before reattempting access to the shared resource after said successful access, without regard to availability of the shared resource.” Claims 11-12, 14-15 and 19 depend from independent claim 10 therefore incorporate each of claim 10’s respective limitations. For at least the reasons discussed *supra*, claims 10-12, 14-15 and 19-20 are patentable over Liao under 102(e).

Furthermore, claim 21 is currently amended to require “determining a second time period for the client to delay before reattempting to access the shared resource after the successful access of the shared resource by the client, without regard to availability of the shared resource.” For at least the reasons discussed *supra*, claim 21 is patentable over Liao under 102(e).

Rejection under 35 U.S.C. 103(a)

Claims 7-9 and 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Liao in view of U.S. Patent No. 6,185,184, to Mattaway. Applicants respectfully traverse the rejections.

Mattaway does not remedy the above-discussed deficiency of Liao. Therefore, claims 1 and 10 remain patentable over Liao even when combined with Mattaway.

Claims 7-9 and 16-18 depend on claims 1 and 10, incorporating their limitations respectively. Therefore, for at least the same reasons, claims 7-9, and 16-18 are patentable over Liao, under 103(a).

New Claims 22-25

New claim 22 includes in substance the same limitations discussed earlier for claim 1. Thus for at least the same reasons, new claim 22 is patentable over the cited references.

Claims 23-25 depend from claims 20-22, incorporating their recitations respectively. Accordingly, for at least the same reasons, claims 23-25 are patentable over the cited references.

Conclusion

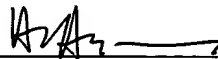
Claims 1-3, 5-12 and 14-25 are believed to be in condition for allowance. Early issuance of Notice of Allowance is respectfully requested. Please contact the undersigned regarding any questions or concerns associated with the present matter.

The Commissioner is hereby authorized to charge shortages or credit overpayments of fees to Deposit Account No. 500393.

Respectfully submitted,

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